

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESale PRICE
LITIGATION

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) MDL No. 1456
)

) Civil Action No. 01-CV-12257-
) PBS
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THIS DOCUMENT RELATES TO

)
) Judge Patti B. Saris
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State of Nevada v. American Home Prods.
Corp., et al.,
D. Nev. Cause No. CV-N-02-0202-ECR

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**DEFENDANT NOVARTIS PHARMACEUTICALS
CORPORATION’S MOTION FOR LEAVE TO FILE UNDER SEAL**

Pursuant to Paragraphs 15 and 29 of the Protective Order entered by this Court on December 13, 2002 (“the Protective Order”), defendant Novartis Pharmaceuticals Corporation (“NPC”) respectfully moves for leave to file under seal Exhibits 2, 3, and 4 of the Affidavit of Samuel N. Lonergan, Esq., in support of NPC’s Motion for Summary Judgment in *State of Nevada v. American Home Prods. Corp.* (“Lonergan Affidavit”). These exhibits contain Highly Confidential Medicaid rebate and commercial transaction data produced by NPC in the above-captioned case.

Paragraph 15 of the Protective Order requires that any documents or pleadings filed with the Court that contain either “Confidential” or “Highly Confidential” information be filed under seal. In compliance with the Protective Order, NPC respectfully requests leave to file Exhibits 2, 3, and 4 of the Lonergan Affidavit under seal.

In accordance with Paragraph 29 of the Protective Order, NPC has filed as a public document a redacted version of the Lonergan Affidavit. The unredacted version of the Lonergan Affidavit is being filed in accordance with Paragraph 15 of the Protective Order.

Dated: Boston, Massachusetts
February 8, 2007

Respectfully submitted,

/s/ Karen F. Green

Karen F. Green, BBO # 209050
WILMER CUTLER PICKERING HALE AND
DORR LLP
60 State Street
Boston, Massachusetts 02109
(617) 526-6000

Jane W. Parver (admitted *pro hac vice*)
Saul P. Morgenstern (admitted *pro hac vice*)
Samuel Lonergan (admitted *pro hac vice*)
Charles Graybow (admitted *pro hac vice*)
KAYE SCHOLER LLP
425 Park Avenue
New York, New York 10022
(212) 836-8000

Attorneys for Defendant
Novartis Pharmaceuticals Corporation

LOCAL RULE 7.1(A)(2) CERTIFICATION

Undersigned counsel for NPC hereby certifies that Samuel N. Lonergan, Esq., has unsuccessfully attempted to confer with counsel in an attempt to resolve the issues raised by this motion.

DATED: February 8, 2007.

/s/ Brett Budzinski

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of February, 2007, a true and accurate copy of the Memorandum in Support of Novartis Pharmaceuticals Corporation's Motion for Summary Judgment was served via the Lexis-Nexis Filing System:

DATED: February 8, 2007.

/s/ Brett Budzinski